

Disenfranchised: Voter Deletions in the age of Aadhaar

Priya: On the morning of December 7 2018, lakhs of voters in Telangana woke up to find out that their names were missing from the electoral rolls. Shocked and alarmed, they began tweeting, writing on social media and spoke to media alerting them about the mass deletions. Their concerns added credibility to the allegations levelled by Congress and other activists that the Election Commission and State government had deleted over 22 lakh names from the electoral rolls between 2015 and 2018 without informing voters. Now, documents accessed and released by data experts using the Right to Information Act has shown that these deletions were carried out without the mandatory door-to-door verification.

Welcome to The Suno India Show, our weekly news show which brings to you in depth analysis of one big news item from the week that was. In the midst of the fog of war and escalating tensions between India and Pakistan, two major incidents took place. Activists using Right to Information replies revealed that the Election Commission had begun linking Aadhar ID to Voter ID in Telangana and Andhra Pradesh and the Union Government passed the Aadhar and other laws (amendment) ordinance. This week I bring to you a conversation with Srinivas Kodali, data scientist and independent researcher about the deletions, what the RTI replies revealed and what the linkage between Aadhar and voter id means for democracy.

Srinivas Kodali: I hail from Telangana. During the Telangana elections of 2018, lot of people have complained that they could not vote on the day of the election. But this was not something people didn't anticipate. There are a lot of complaints which have gone to the Election Commission before elections and people even went to the High Court asking that the elections be delayed until this issue is sorted out. Because the large-scale voter deletions in Telangana, and nobody knew how these happen. Except there was a idea that this has happened during 2015, when the election commission had started linking Aadhar ID to Voter ID. So I file an RTI asking them to give their entire file on Aadhar-Voter ID linking, and what I found in that file was completely shocking. The Election Commission started experimenting on linking Aadhar to Voter ID in Telangana primarily in 2014. As a pilot project. In Nizamabad and Hyderabad. And what happened during this exercise in Telangana was that the Election Commission shared all of the voter data to a government software called SRDH, State Resident Data Hubs. State Resident Data Hubs are resident hubs which were created by UIDAI to share Aadhaar data from UIDAI to State governments. And then States carried State census where they collected lot of personal information about residents. In Telangana, there was one state census in 2014, where the State has come and asked for our bank account details, electricity bill numbers, ration card details, caste, religion, and all of this personal information. And they use this software application to find duplicate voters. So effectively, what has happened is the Election Commission has abdicated its role of making voter lists to the government's software, and which software is completely non-transparent. We don't know how it worked. And which resulted in 30 lakh voter deletions in Telangana.

Priya: The Election Commission is saying that the seeding of Aadhar was, is voluntary. And you know, but you are saying that it actually happened. So are you saying that it was not, it didn't happen in a voluntary fashion? But from what I hear from you, there was actually, it was sort of an experiment that sort-of went haywire. Correct me if I understood this wrongly.

Srinivas Kodali: I mean, you're right about what happened. Like, so the election commission does say it was a voluntary exercise, Aadhar was voluntary. But it used every means at its disposal to collect Aadhar data. For example, Election Commission asked the registrar general of India, who was conducting the national population register, which was this parallel exercise to Aadhar, being conducted by Home Ministry in border areas, because of illegal immigrants being in the country, so

they need to be verified. So the Election Commission asked all the Aadhar data and the voter data with the national population registrar to be shared with the election commission. They got that. There were even proposals by Chief Electoral Officer of Jharkhand saying that, 'oh we should also collect all the voter data and Aadhar data which is held with the private players. Okay? The Election Commission awarded the district election officers in each State, first three district election officers in each state who have completed 100% Aadhar-Voter ID linking. Even though they claimed it was voluntary, they put, they started rewarding people for the collection. So effectively, they made it mandatory. And in terms of how this software worked or whether it was great in finding duplicate voters, so the problem here is, the authority which is responsible in making up the roles is the Electoral Registration Officer. It's not even the Election Commission. The Election commission maintains the role and prims them, but it's the ERO and the assistant EROs and the block level officials who go door to door, who verify it and then submit to the EC. If your ERO says that you don't live in the area, I'm not going to let you into the role, that's final. Not even the Chief Election Commissioner can interfere in the process. But pushing this software onto EROs, what they have essentially done is, they have removed the role of EROs. And in Telangana, on top of this, what else has happened is, the block level officials did not go door to door for verifications. Which the EC always said that this due procedure was followed. So effectively, the EC deleted voters without informing them, without even informing that they are linking their Aadhar and Voter ID. Because nobody came to their house asking for their Aadhar and Voter ID. It all happened at a database level, where the Aadhar data was already there, and the Election Commission shared its voter data to government. So it was all an experiment at the end.

Priya: Right. What does this mean now in terms of these voters? I mean, in terms of these thirty lakh names that were deleted. what are the sort of measures that can be taken to counter this problem?

Srinivas Kodali: 07:02 Okay. So, numbers-wise, thirty lakhs is like the net deletion, which happened in Telangana back in 2015. There were actually forty lakh deletions, ten lakh additions, so the net was thirty. In Andhra Pradesh, it was twenty five lakhs. But the thing is, this was in 2015, so there was a lot of outcry about it. So, the numbers kind of went up. So if you look at the overall numbers of Telangana voters year-wise, in 2014, there are 2.8 crores, in 2015, it came down to 2.5, in 2016, it went up to 2.6, in 2018, right before the elections, it came back to 2.8 crores. But even then, on the day of the elections, there were a lot of voters who said that 'we couldn't vote.' So between every election to election, there usually is a 10% increase of voter population. So that means Telangana should have had 2.8 crores plus 28 lakhs. Which is a 10% increase. So roughly, three crores of voters should have been on the list. And right now, with the, there was a new revision which happened in 2019 for the 2019 elections which places all the voters right now at 2.95 crores. There is a fifteen lakh increase in voter list. So nevertheless, in all of this, what has happened is the- it's very clear Election Commission's statistics are going haywire. And they never enquired into it. And we don't know how much of this is happening across the country. We do know that a large scale deletion has taken place in Delhi in 2015, again with thirty lakh voters were removed. Which is where Aam Aadmi Party has complained to the Delhi Chief Election Commission about it. EC was supposed to investigate it, but nothing really happened there. And we really don't know what else has been happening across other States in the country, but it's very clear that during 2014-2019, the Election Commission's conduct on maintaining electoral roles has deteriorated. And the Election Commission has abdicated its responsibility. Now, it's on us to ensure that every voter gets registered before 2019 elections. And we need to ensure that this word spreads and people go do check that their name's listed in the voter list.

Priya: one of the other things that has been raised repeatedly is of the privacy concerns around this. And also the demographic mapping that is happening when you connect Aadhar to Voter IDs. Could you perhaps elucidate a bit more on what are these concerns

Srinivas Kodali: 10:39 So back in like, back when Aadhar programme has started, all-- a lot of concerns of profiling and surveillance that may happen. Which UIDAI has always denied that they, surveillance can't happen on top of Aadhar, because Aadhar only collects minimal data. They don't even collect caste and religions. So there shouldn't be any problems. But the fact remains that we have always been saying that because you share that Aadhar number with third parties like private players, they may be collecting it. Or the governments who have been doing these State census surveys, so what has happened in Telangana, Andhra Pradesh, in particular, is UIDAI helped build these State Resident Data Hubs to share this Aadhar data with governments. So that governments have some data about their residents. And after the State governments conducted these State census, where they collected all profiles of citizens, they brought this term called 360 degree profiles of citizens. The States wanted to have 360 degree profiles of citizens, which is like, every information about a citizen which they have with them. Interlinking every department's data base. Like, making a State grid. Now, this is what was the data in SRDH. So you have like, complete profiles of citizens and then, here comes Election Commission, which shares voter data to this application. So effectively, you made a surveillance hub. And you use this surveillance hub to find out duplicate voters. But in terms of voter surveillance, by Election Commission, by sharing the voter data to this already humongous personal data hub, has made this a electoral profiling hub. So if this data is shared to political party, it could be used to go, anticipate, which direction a voter is going to vote. Or even use this on top to do a political parties internal survey to go door-to-door to ask people whom they are voting for. And potentially gaming the elections. In fact, there is a complaint by the YSR congress, that the TDP is doing this. The TDP has built an official application called Seva Mitra. This application seems to have a lot of personal details of voters in Andhra Pradesh, including their colour photograph of the voter. And, this app is for the volunteers of the TDP. And when the volunteer opens this app, he gets a certain set of questions. He gets a photo and information of a voter, and then the app asks the volunteer, 'does this voter live in your neighbourhood?' or 'is he dead?' or 'he has left the constituency?', 'does he not live there anymore?' If he lives there, which party is he inclined towards? And on top of that, they collect their caste information, family details, and a bunch of other personal data, so you have effectively started doing voter profiling and that is bad. That is bad for democracy because we clearly know that voter data should not be linked to any caste or religious information because that may lead to a selective profiling of voters and it could impact democracy. And not even that, I mean, if you're looking towards ethnic clashes that may have taken places like in 1984, the voter lists were used to identify certain ethnic groups and to go after them. So these kind of information hubs in existence itself is bad for civil rights, it's bad for a democracy.

Priya: so the EC in their reply to the RTI has said that there is no third party who got this information. What is your take on that? Do you think there are other people involved who have access to this information?

Srinivas Kodali: So the SRDH database was actually built by UIDAI initially. But UIDAI clearly said, if the States wanted to get like, private players to improve their own database, the UIDAI will stop giving the support. So the government, united government of Andhra Pradesh, but then in 2013, before the bifurcation actually employed a private player to improve its software. So the SRDH in both the States is currently maintained by private players. We don't know the status of the SRDH right now, because back in 2018, during the Supreme Court hearing on Aadhar, the government council has informed the Court that SRDH was a pre-Aadhar card database, it has been shut down, which I don't believe. Because back in 2016 itself, there was a state census survey in Andhra Pradesh called the SmartPulse survey. Anyway, so coming back to who has access it, we definitely know private players had access to it. And even know, the TDP getting access to this data, there is proof that there was some data leak, or data being officially shared or illegally shared by the people in power in TDP to this application. And there's also some proof that SRDH data was shared with third party private players who were building applications on top of SRDH for the government. So, we really don't know who all players had access

to this, it's something that the Election Commission must enter into and start investigating. And I don't think they are going to do anything about this either. But I have approached the Court about this, there is a pending litigation that I'm fighting in the high court of Hyderabad. We do hope that the Court recognises the gravity of this situation and passes a favourable order.

Priya: What would be a favourable order, in your opinion? Like, what is the order you are hoping to get out of this litigation?

Srinivas Kodali: So here are my prayers to the Court. So basically the Election Commission must delete any Aadhar data that they have collected, legally or illegally, because they are not supposed to have it. Then, the Election Commission must ensure that all the voter data it shared with the government gets deleted too, because you're not supposed to share in the first place, you already did that, so get it deleted. Third, explain us how all of this SRDH and algorithms works. You used this to duplicate voters, and they are being deleted, people have lost their right. But the entire election procedure needs to be transparent. And you can't really use technology to do this because the Representation People's Act doesn't allow you to do that. The Representation of People's Act allows the Election Commission to use EVMs, because there was an amendment made to allow electronic voting. But not usage of software for maintenance of electoral rolls. So EC can't use this, so we're asking the Court that it be clear that the Election Commission can't use any software for maintaining roles unless the RPA act is amended. And even when it is amended, it needs to be transparent enough. The fourth and final plea we are having is, give us the list of all the deleted voters that have been deleted so that we ensure they are put back in the electoral rolls.

Priya: Another question that I have is linked to again the defence by the EC that some of the things didn't happen probably because of manpower shortage therefore we passed on certain responsibilities to third party people and also use Aadhar to counter that manpower shortage. How would you like to respond to this...these statements?

Srinivas Kodali: 20:51 Um, see the election commission of India is like, really powerful. Even though it has like, limited officials, it's usually government bureaucrats who go into ECI for a temporary stay and come back to the bureaucracy but the amount of powers a Chief Election Commissioner or the Chief Electoral Officer has, in that role, is tremendous. He can order any department inside the government for election work. For any election matter, he is like, he is the ultimate authority, and he can even bring the army down if required, if there is a riots happening on-ground or there is a tense situation. So the ECI is very powerful. And this complain that the ECI did not have access to people, they did not have enough BLOs who were going door to door is like, really sad. Because with the powers he had, he could have ensured that it was done the right way. And if it was not happening the right way, it was the responsibility of the Chief Electoral Officer to disclose it to the public that there was something wrong going on. And all of this was hidden to us. We did not know that this has taken place until we got the RTI, because even before the RTI, multiple people have gone to the Court and approached the Chief Election Commissioner. All of them have said that the voter count decreased in Telangana because all of them have migrated to Andhra Pradesh. Random reasons given at us without giving us access to the official documents. Even now I do not have access to the pilot project records that have taken place in Telangana. The Chief Electoral Officer of Telangana has not supplied this information. So the crux of the issue here is lack of transparency led to lack of accountability. And, people lost their rights.

Conclusion: Despite the concerns over Aadhar and its apparent misuse were being raised and a September 2018 Supreme Court judgement that held parts of Aadhar unconstitutional, the Union Government approved the Aadhar and other laws (Amendment) ordinance on late evening of Thursday, February 28th, the same day, this interview was recorded. The most significant of the

amendments is authorising private parties i.e., corporations — to use and profit from the personal data that is stored in the Aadhaar database.

The Supreme Court's judgement of 2018 was clear that use of Aadhaar database by private parties which enabled surveillance was unconstitutional. However, the ordinance has chosen to ignore this finding and has authorised the use of Aadhaar in banking and telecom industries. What's alarming is that this is happening in the absence of a comprehensive privacy law & data protection law. While the ordinance claims the use of Aadhaar by phone and banking company is also voluntary, it is not so straightforward.

Gautham Bhatia, an advocate for Supreme Court in a [commentary piece](#) for Hindustan Times writes and I quote: "A close look reveals, however, that voluntariness is a chimera: the options provided are between Aadhaar, a passport, or other identity documents that the government may notify. Given, however, that less than 10% of Indians possess a passport, for a large majority, this makes Aadhaar authentication effectively mandatory if they want to use a phone or operate a bank account. This was precisely what the Supreme Court held unconstitutional, on the basis that individuals deserved to have a meaningful choice in how they identified themselves to the State, or to other private parties,".

And questions remain to be answered whether it was necessary for the government to take the ordinance route to pass amendments that had not passed through Rajya Sabha. However one thing is clear- the govt is willing to push for Aadhaar to be continued to be used in a widespread manner without putting in place protections in place, thereby impacting our right to privacy- a right we seem to know very little about.

In the meanwhile, a political slugfest broke out between Telugu Desam Party Supremo Chandrababu Naidu and TRS party chief KTR after a FIR was filed against the firm behind the controversial TDP party app Seva Mitra. The FIR was filed by data analyst Lokeshwar Reddy. "The TDP is making use of this data to analyse who are for and who are against the government and based on this analysis, they have deleted hundreds and thousands of names of voters," Lokeshwar Reddy had alleged. This story took a new political twist with TDP alleging that the Telangana government has used its police department to take the data of the Seva Mitra by seizing the hard disks of IT Grids in order to help Jagan Mohan Reddy's YSRCP. For now, there's no denying that we seem to have truly arrived into a dystopian surveillance world.